

MODULE II GENERAL FACILITY CONDITIONS

MODULE HIGHLIGHTS:

This Module sets forth the standards that every owner/operator of a Container Storage Facility (CSF) is required to meet, in order to manage and store hazardous waste at the CSF in a manner protective of human health and the environment.

II. A. DESIGN AND OPERATION OF THE FACILITY

The Permittee shall maintain and operate the CSF to minimize the possibility of a fire, explosion, or any unplanned, sudden or nonsudden release of hazardous waste or constituents to air, soil, ground water, or surface water which could threaten human health or the environment, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.31.

II.B. REQUIRED NOTICES

II.B.1. Hazardous Waste Imports

The Permittee shall not accept wastes from a foreign source without prior authorization from the U. S. Environmental Protection Agency (EPA). The Permittee shall include the authorization in the CSF operating record, and send a copy of the authorization document to the New Mexico Environment Department.

II.B.2. Hazardous Waste From Off-site Sources

The Permittee shall receive off-site hazardous waste in compliance with the requirements and conditions specified in this Permit. The Permittee shall only receive the hazardous waste listed in Permit Attachment B, *Authorized Wastes*, for management and storage at the CSF.

II.C. GENERAL WASTE ANALYSIS

II.C.1. Waste Analysis Plan

The Permittee shall not manage or store hazardous wastes which fail to meet the characterization requirements of Permit Conditions II.C.1. through II.C.4, and 20.4.1.500 NMAC, incorporating 40 CFR §264.13. The Permittee shall ensure that documentation from each generator demonstrating that all hazardous waste destined for management or storage at the CSF from the generator complies with the waste characterization and analysis procedures described in Permit Attachment D, *Waste Analysis Plan*. Knowledge of process shall not be used in lieu of detailed chemical analysis. The Permittee shall inform each generator in writing that the generator must comply with the waste analysis requirements

specified in Permit Attachment D, and as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.13(c).

II.C.2. Sampling and Analysis

The Permittee shall use the methods for statistically selecting waste containers for visual examination and volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and total metals analysis, establishing the background and upper confidence limits for hazardous waste sampling by applying the statistical methods contained in 20.4.1.500 NMAC, incorporating 40 CFR §264 Appendix IV, *Cochran's Approximation to the Behrens-Fisher Student's t-test*.

II.C.3. Waste Profile Sheets

Prior to accepting hazardous waste for management or storage at the CSF, the generator of the off-site hazardous waste shall provide the Permittee Waste Profile Sheets that contain all the chemical composition of the hazardous waste, their percentages, and waste constituents required by this Permit. The Permittee shall review the generator supplied information and chemical analytical data to check for completeness and accuracy, to ensure that the waste meets the criteria of the waste acceptance plan and the procedures described in Permit Attachment D [20.4.1.500 NMAC, incorporating 40 CFR §264.13(a)(2) and §264.13 (b)(5)].

II.C.4. Quality Assurance Objectives

The Permittee shall follow the waste analysis procedures required by 20.4.1.500 NMAC, incorporating 40 CFR §264.13. The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, as required by *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, EPA Publication SW-846, and the procedures presented in Permit Attachment D, *Waste Analysis Plan*.

II.D. SECURITY

In order to prevent the unknowing entry and to minimize the possibility of unauthorized entry of persons into the CSF, the Permittee shall comply with the security provisions and procedures described in Permit Attachment E, *Security Plan*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.14.

II.D.1. Barriers and Means to Control Entry

The Permittee shall maintain an artificial barrier (i.e. a fence in good repair) around the CSF and a means to control entry into the active portion of the CSF, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.14(b)(2), and as specified in Permit Attachment E, *Security Plan*.

The six foot high light gauge fabric, 2-inch mesh chain link fence shall be maintained around the CSF to prevent unauthorized personnel and livestock from gaining access to the CSF warehouse and its surrounding land. Access to the CSF shall be only through the gates described in the *Security Plan* contained in Permit Attachment E.

II.D.2. Warning Signs

Warning signs in English and Spanish, for example: **DANGER, NO UNAUTHORIZED PERSONNEL, KEEP OUT,** and **PELIGRO, NO PERMITIDA LA ENTRADA SIN AUTORIZACION**, shall be posted at all the gates and around the fence, and at other locations of the CSF in sufficient numbers to be visible from all angles of approach to the CSF. These bilingual signs must be legible from a distance of at least 25 feet from any approach to the perimeter fence, in compliance with the standards contained in 20.4.1.500 NMAC, incorporating 40 CFR §264.14(c).

II.E. GENERAL INSPECTION REQUIREMENTS

II.E.1. Inspection Schedule

The Permittee shall implement the Inspection Plan contained in Permit Attachment F, to detect any container and equipment malfunctions and deteriorations, operator errors, and discharges, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(a).

II.E.2. Inspection Frequency

The Permittee shall inspect monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment at the frequency specified in the weekly and monthly inspection schedules contained in Permit Attachment F, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(b).

II.E.3. Remediation Of Equipment/Structures

The Permittee shall remedy any deterioration or malfunction of equipment or structures which an inspection reveals, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(c).

II.E.4. Inspection Log and Checklist

The Permittee shall use the inspection checklists contained in the Rinchem General Inspection Sheets, Permit Attachment F. The Permittee shall record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(d).

II.E.5. Inspection Records

The Permittee shall maintain inspection checklists in the CSF operating record for at least three (3) years from the date of inspection, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.15(d).

II.F. PERSONNEL TRAINING

The Permittee shall conduct personnel training following the procedures described in Permit Attachment J, *Personnel Training*, and the following Permit Conditions, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16.

II.F.1. Personnel Training Requirements

The Permittee shall train all persons involved in the management and storage of hazardous waste in procedures relevant to the positions in which they are employed, as described in Permit Attachment J, *Personnel Training*, and as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16.

II.F.2. Personnel Training Content

The personnel training program shall include the courses and procedures described in Permit Attachment J, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16(a-c).

II.F.3. Personnel Training Records

The Permittee shall maintain training documents and records, and keep training records on current personnel at the CSF Office for at least three years from the date the employee last worked at the Facility, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.16(d) and (e).

II.G. SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

The Permittee shall follow the procedures for managing and storing ignitable, reactive, and incompatible wastes set forth in Permit Attachment C, *Design and Operation of the Container Storage Facility*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.17.

H. LOCATION STANDARDS

Since the CSF is located in Bernalillo County of New Mexico listed in Appendix VI of 40 CFR, the Permittee must demonstrate consideration of seismic and floodplain standards, as required by

20.4.1.500 NMAC, incorporating 40 CFR §264.18, and as specified in Permit Attachment A, *General Facility Description*.

II.I. PREPAREDNESS AND PREVENTION

II.I.1. Required Equipment

At a minimum, the Permittee shall maintain at the CSF the equipment set forth in Permit Attachment H, Table H-2, *Emergency Equipment List*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.32.

II.I.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Attachment H, as necessary, to assure its proper operation in time of emergency, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.33.

II.I.3. Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.34.

II.I.4. Required Aisle Space

At a minimum, the Permittee shall maintain enough aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of CSF operation, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.35, and as described in Permit Attachment C, *Design and Operation of the Container Storage Facility*.

II.I.5. Arrangements with Local Authorities

The Permittee shall maintain coordination agreements with the City of Albuquerque and Bernalillo County Fire Departments, and the St. Joseph's Northeast Hospital as described in Permit Attachment H, *Contingency Plan*. These arrangements shall be either Memoranda of Understanding (**MOU**) or Mutual Aid Agreements (**MAA**) between the Permittee and the off-site cooperating agencies, and shall include the elements required by 20.4.1.500 NMAC, incorporating 40 CFR §264.37(a). Copies and descriptions of these MOUs and agreements shall be maintained at the Facility office in the operating record as required by 20.4.1.500 NMAC (incorporating 40 CFR §264.37(b)).

II.J. CONTINGENCY PLAN

II.J.1. Implementation of Plan

The Permittee shall immediately implement the Contingency Plan contained in Permit Attachment H, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.51(b).

II.J.2. Copies of the Plan

The Permittee shall maintain copies of the Contingency Plan and all revisions and amendments to the Plan at the CSF, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.53. The Permittee shall provide copies of the current Contingency Plan and all revisions to the Plan to the Secretary and all entities with which the Permittee has emergency MOUs or MAAs, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.53.

II.J.3. Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.54.

II.J.4. Emergency Coordinator

An Emergency Coordinator (EC) and an alternate EC, as specified in Permit Attachment H, shall be available at all times in case of an emergency. The Emergency Coordinator or alternate EC shall be thoroughly familiar with the Contingency Plan and shall have the authority to commit the resources needed to implement the Contingency Plan, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.55. In the event of an imminent or actual emergency, the EC shall activate the internal emergency alarms, notify the appropriate State or local agencies with designated response roles, and implement the other procedures, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.56, and as described in Permit Attachment H.

II.K. MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC, incorporating 40 CFR §264.71, §264.72, and §264.76. The Permittee shall not accept for management or storage any hazardous waste from an off-site source without the accompanying manifest.

II.L. RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this Permit and 20.4.1.500 NMAC, incorporating 40 CFR §264.73(a), the Permittee shall comply with the following conditions:

II.L.1. Operating Record

The Permittee shall maintain a written operating record for each hazardous waste at the CSF for at least three (3) years from the date of report, sampling, measurement, or certification, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.73(a), and §270.30(j)(2). The Permittee shall maintain the operating record until closure of the CSF.

II.L.2. Biennial Report

The Permittee shall comply with the biennial reporting requirements of 20.4.1.500 NMAC, incorporating 40 CFR §264.75.

II.L.3. Personnel and Telephone Number Changes

The Permittee shall inform the Secretary in writing of changes in its management personnel and telephone numbers within fifteen (15) calendar days of the changes.

II.M. GENERAL CLOSURE REQUIREMENTS

II.M.1. Performance Standard

The Permittee shall close the CSF following the procedures described in the Closure Plan outlined in Permit Attachment K, as required 20.4.1.500 NMAC, incorporating 40 CFR §264.111.

II.M.2. Amendment to Closure Plan

The Permittee shall amend the Closure Plan, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.112(c), whenever necessary.

II.M.3. Notification of Closure

The Permittee shall notify the Secretary in writing at least forty-five (45) calendar days prior to the date on which he expects to begin closure of the CSF, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.112(d).

II.M.4. Time Allowed For Closure

Within ninety (90) calendar days after receiving the final volume of hazardous waste, the Permittee shall remove all hazardous waste from the CSF to a permitted treatment, storage or disposal Facility, and shall complete closure activities, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.113, following the schedule specified in the *Closure Plan* in Permit Attachment K, or as amended, as required by Permit Condition II.M.2.

II.M.5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or dispose of all contaminated equipment, structures, and soils, as specified in the *Closure Plan*, Permit Attachment K, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.114.

II.M.6. Sampling for Metals, Organics and Halogenated Organics in the Container Storage Facility Building

The Permittee shall collect soil and ground water samples at and around the CSF for metals (i.e., Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Zinc), organics and halogenated organics in the CSF using EPA approved methods in the latest copy of SW-846, or an alternate method approved by the Secretary.

II.M.7. Certification of Closure

Within sixty (60) calendar days from the date of completion of partial closure of the CSF, and within sixty calendar (60) days of completion of final closure of the Unit, the Permittee shall provide to the Secretary a final closure report and written closure certification signed by an independent professional engineer registered in the State of New Mexico, that the CSF was closed as required by the procedures specified in the Closure Plan, Permit Attachment K, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.115.

II.N. COST ESTIMATE FOR FACILITY CLOSURE

II.N.1. Cost Estimates

The Permittee shall implement a financial instrument in the amount of the most recent closure cost estimate set forth in Permit Attachment M, *Financial Assurance*, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.142.

II.N.2. Adjustment of Cost Estimates

The Permittee shall adjust the Closure Cost estimate for inflation within sixty (60) calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 20.4.1.500 NMAC, incorporating 40 CFR §264.143, and Permit Condition II.P, or when using an approved State-required mechanism, upon such a date as required by the State, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.142(b).

II.N.3. Revision of Cost Estimates

The Permittee shall revise the Closure cost estimates within 30 days after NMED approves a request to modify the Closure Plan, if the change increases the cost of Closure, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.142(c).

II.N.4. Record Keeping

The Permittee shall maintain current Closure cost estimates in the Facility operating record, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.142(d).

II.O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE

II.O.1. Submittal of Financial Assurance Documentation

The signed duplicate original of the closure financial assurance instrument required to be submitted to the Secretary at least sixty (60) calendar days before receiving hazardous waste for management and storage at the CSF, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.143.

II.O.2. Changes to the Financial Assurance Instrument

The Permittee shall not change the financial assurance instrument without approval of the Secretary, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.143.

II.P. LIABILITY REQUIREMENTS

II.P.1. Liability Coverage Amounts

The Permittee shall have and maintain liability coverage for sudden and accidental occurrences in the amount of one million dollars (\$1,000,000) per occurrence, with an annual aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.147(a). The Permittee shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of three million dollars (\$3,000,000) per occurrence, with an annual aggregate of at least six million dollars (\$6,000,000), exclusive of legal defense costs, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.147(b).

II.P.2. Submittal of Liability Documentation

The signed duplicate original of the liability policy required in compliance with 20.4.1.500 NMAC, incorporating 40 CFR §264.147, is contained in Permit Attachment M.

II.Q. DISCLOSURE

As required by the HWA §74-4-4.7, the Permittee filed a disclosure statement with the New Mexico Environment Department (**NMED**) with the information required by, and on a form developed by, the NMED in cooperation with the New Mexico Department of Public Safety (**DPS**), at the same time the Permittee submitted the application for a Permit to the Hazardous Waste Bureau (**HWB**). A copy of the letter from the DPS to the NMED regarding background investigation conducted on personnel of Rinchem Company, Inc., is included in Appendix A-1 of Permit Attachment A. If any information required to be included in the disclosure statement provided by the Permittee to

comply with the HWA, §74-4-4.7, changes, or if any information is added after filing the statement, the Permittee shall provide that information to the Secretary within 30 calendar days after the change or addition. Failure to provide such information in a timely manner may constitute the basis for the revocation of this Permit.

II.R. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

Declaration of Bankruptcy by Financial Institution

The Permittee shall notify the Secretary by certified mail of the commencement of bankruptcy, and the name of any guarantor within ten calendar days after commencement of the proceeding, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.148(a).

II.S. ESTABLISHMENT OF OTHER FINANCIAL ASSURANCE OR LIABILITY COVERAGE

The Permittee shall establish other financial assurance or liability coverage within 60 days from the date the Trustee or institution issuing the surety bond, letter of credit, or insurance policy declares bankruptcy; otherwise the Permittee will be deemed to be without the required financial assurance, as specified by 20.4.1.500 NMAC, incorporating 40 CFR §264.148(b).

II.T. GROUND WATER MONITORING

The Permittee shall conduct quarterly ground water detection monitoring at the CSF, when it fails to achieve clean closure. The Permittee shall analyze the ground water samples for those parameters contained in 20 NMAC 4.1.200, incorporating 40 CFR §261, Appendix VIII, that have been detected in the ground water at the monitoring wells, or are expected to be in or derived from waste stored at the CSF, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.93(a).

II.U. ESTABLISHMENT OF A BASELINE

The Permittee shall conduct background soil sampling at the CSF in areas not impacted by waste management within 180 calendar days from the effective date of this Permit. The sampling locations must be approved by NMED. This sampling activity is necessary for the establishment of a baseline that shall be used for reference during closure activities described in Permit Attachment K, *Closure Plan*. The Permittee shall submit a copy of the background sample data to NMED. The results of this initial sampling event will assist the Permittee in characterizing the soil at the CSF and its proximity, and shall be used for reference during closure of the CSF.